

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NELSON CASTILLO, MARTA
VALLADARES, ARACELY VALLADARES,
CARLOS REYES, and YOSLEY ESPINAL
HERNANDEZ, individually and on behalf of
All others similarly situated,

Plaintiffs,

v.

PERFUME WORLDWIDE INC. and PIYUSH
GOLIA,

Defendants.

Civil Action No. 17-CV-02972

ANSWER TO COMPLAINT

Defendants, PERFUME WORLDWIDE INC. and PIYUSH GOLIA (collectively
“Defendants”), by and through their attorneys, as and for their answer to the Complaint
filed by Plaintiffs, respectfully allege as follows:

ANSWERING “INTRODUCTION”

1. Defendants deny the allegations set forth in Paragraph 1 of the Complaint insofar as they allege that there was any “failure” that entitles plaintiffs to the relief they seek.
2. Defendants deny the allegations set forth in Paragraph 2 of the Complaint insofar as they allege that there was any “uniform policy” that entitles plaintiffs to the relief they seek.

3. Defendants deny the allegations set forth in Paragraph 3 of the Complaint insofar as they allege that there was any “failure” that entitles plaintiffs to the relief they seek.

ANSWERING “JURISDICTION AND VENUE”

4. Defendants deny the allegations set forth in Paragraph 5 of the Complaint, except admit that Plaintiff purports to set forth the basis of the Court’s original jurisdiction, and respectfully refer all questions of law to the Court.
5. Defendants deny the allegations set forth in Paragraph 7 of the Complaint, except admit that Plaintiff purports to set forth the basis for venue in this district, and respectfully refer all questions of law to the Court.

ANSWERING “THE PARTIES”

6. Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraphs 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the Complaint, except admit that Plaintiff named is a natural person and was an employee.
7. Defendants admit the allegations in Paragraphs 18 through 23 of the Complaint.
8. Defendant deny the allegations set forth in Paragraph 24 of the Complaint.
9. Defendants admit the allegations in Paragraphs 25 through 30 of the Complaint.

ANSWERING “COLLECTIVE ACTION ALLEGATIONS”

10. Defendants deny the allegations set forth in Paragraph 31 of the Complaint insofar as they allege there are any “violations” “to remedy.”
11. Defendants deny the allegations set forth in Paragraph 32 of the Complaint.
12. Defendants deny the allegations set forth in Paragraph 33 of the Complaint.

13. Defendants deny the allegations set forth in Paragraph 34 of the Complaint.

ANSWERING “CLASS ACTION ALLEGATIONS”

14. Defendants deny the allegations set forth in Paragraph 35 of the Complaint.

15. Defendants deny the allegations set forth in Paragraph 37 of the Complaint.

16. Defendants deny the allegations set forth in Paragraph 38 of the Complaint.

17. Defendants deny the allegations set forth in Paragraph 39 of the Complaint.

18. Defendants deny the allegations set forth in Paragraph 40 of the Complaint.

19. Defendants deny the allegations set forth in Paragraph 41 of the Complaint.

20. Defendants deny the allegations set forth in paragraph 42 of the Complaint.

21. Defendants deny the allegations set forth in Paragraph 43 of the Complaint.

22. Defendants deny the allegations set forth in Paragraph 44 of the Complaint.

23. Defendants deny the allegations set forth in Paragraph 45 of the Complaint.

ANSWERING “WILFULNESS ALLEGATIONS”

24. Defendants deny the allegations set forth in Paragraph 46 of the Complaint.

25. Defendants deny the allegations set forth in Paragraph 47 of the Complaint.

ANSWERING “FACTUAL ALLEGATIONS”

26. Defendants deny the allegations set forth in Paragraph 48 of the Complaint.

27. Defendants deny the allegations set forth in Paragraph 49 of the Complaint.

28. Defendants deny the allegations set forth in Paragraph 50 of the Complaint.

29. Defendants deny the allegations set forth in Paragraph 51 of the Complaint.

30. Defendants deny the allegations set forth in Paragraph 52 of the Complaint.

31. Defendants deny the allegations set forth in paragraph 53 of the Complaint.

32. Defendants deny the allegations set forth in Paragraph 54 of the Complaint.

33. Defendants deny the allegations set forth in Paragraph 57 of the Complaint.
34. Defendants deny the allegations set forth in Paragraph 58 of the Complaint.
35. Defendants deny the allegations set forth in Paragraph 59 of the Complaint.
36. Defendants deny the allegations set forth in Paragraph 60 of the Complaint.
37. Defendants deny the allegations set forth in Paragraph 61 of the Complaint.
38. Defendants deny the allegations set forth in Paragraph 62 of the Complaint.
39. Defendants deny the allegations set forth in Paragraph 63 of the Complaint.
40. Defendants deny the allegations set forth in Paragraph 64 of the Complaint.
41. Defendants deny the allegations set forth in Paragraph 67 of the Complaint.
42. Defendants deny the allegations set forth in Paragraph 68 of the Complaint.
43. Defendants deny the allegations set forth in Paragraph 69 of the Complaint.
44. Defendants deny the allegations set forth in Paragraph 70 of the Complaint.
45. Defendants deny the allegations set forth in Paragraph 71 of the Complaint.
46. Defendants deny the allegations set forth in Paragraph 72 of the Complaint.
47. Defendants deny the allegations set forth in Paragraph 73 of the Complaint.
48. Defendants deny the allegations set forth in Paragraph 76 of the Complaint.
49. Defendants deny the allegations set forth in Paragraph 77 of the Complaint.
50. Defendants deny the allegations set forth in Paragraph 78 of the Complaint.
51. Defendants deny the allegations set forth in Paragraph 79 of the Complaint.
52. Defendants deny the allegations set forth in Paragraph 80 of the Complaint.
53. Defendants deny the allegations set forth in Paragraph 81 of the Complaint.
54. Defendants deny the allegations set forth in Paragraph 82 of the Complaint.
55. Defendants deny the allegations set forth in Paragraph 83 of the Complaint.

56. Defendants deny the allegations set forth in Paragraph 86 and 87 of the Complaint.

57. Defendants deny the allegations set forth in Paragraph 88 of the Complaint.

58. Defendants deny the allegations set forth in Paragraph 89 of the Complaint.

59. Defendants deny the allegations set forth in Paragraph 90 of the Complaint.

60. Defendants deny the allegations set forth in Paragraph 91 of the Complaint.

61. Defendants deny the allegations set forth in Paragraph 92 of the Complaint.

62. Defendants deny the allegations set forth in Paragraph 93 of the Complaint.

63. Defendants deny the allegations set forth in Paragraph 94 of the Complaint.

64. Defendants deny the allegations set forth in Paragraph 97 of the Complaint.

65. Defendants deny the allegations set forth in Paragraph 98 of the Complaint.

66. Defendants deny the allegations set forth in Paragraph 99 of the Complaint.

67. Defendants deny the allegations set forth in Paragraph 100 of the Complaint.

68. Defendants deny the allegations set forth in Paragraph 101 of the Complaint.

69. Defendants deny the allegations set forth in Paragraph 102 of the Complaint.

70. Defendants deny the allegations set forth in Paragraph 103 of the Complaint.

ANSWERING “THE LAW”

71. Defendants deny the allegations set forth in Paragraphs through 109 of the Complaint as those allegations improperly and selectively cite inapplicable law in the Complaint in contravention of the pleading rules governing the content of civil Complaints in Federal Court.

ANSWERING “FIRST CAUSE OF ACTION”

72. Defendants respond to paragraph 110 of the Complaint by incorporating each of the foregoing responses to paragraphs 1 through 109 of the Complaint.

73. Defendants deny the allegations set forth in Paragraph 111 of the Complaint.

74. Defendants deny the allegations set forth in Paragraph 118 of the Complaint.

75. Defendants deny the allegations set forth in Paragraph 119 of the Complaint.

76. Defendants deny the allegations set forth in Paragraph 120 of the Complaint.

77. Defendants deny the allegations set forth in Paragraph 121 of the Complaint.

78. Defendants deny the allegations set forth in Paragraph 122 of the Complaint.

79. Defendants deny the allegations set forth in Paragraph 123 of the Complaint.

80. Defendants deny the allegations set forth in Paragraph 124 of the Complaint.

ANSWERING “SECOND CAUSE OF ACTION”

81. Defendants respond to paragraph 125 of the Complaint by incorporating each of the foregoing responses to paragraphs 1 through 124 of the Complaint.

82. Defendants deny the allegations set forth in Paragraph 126 of the Complaint.

83. Defendants deny the allegations set forth in Paragraph 127 of the Complaint.

84. Defendants deny the allegations set forth in Paragraph 128 of the Complaint.

85. Defendants deny the allegations set forth in Paragraph 129 of the Complaint.

86. Defendants deny the allegations set forth in Paragraph 130 of the Complaint.

87. Defendants deny the allegations set forth in Paragraph 131 of the Complaint.

88. Defendants deny the allegations set forth in Paragraph 132 of the Complaint.

89. Defendants deny the allegations set forth in Paragraph 133 of the Complaint.

90. Defendants deny the allegations set forth in Paragraph 134 of the Complaint.

91. Defendants deny the allegations set forth in Paragraph 135 of the Complaint.

ANSWERING “THIRD CAUSE OF ACTION”

92. Defendants respond to paragraph 136 of the Complaint by incorporating each of the foregoing responses to paragraphs 1 through 135 of the Complaint.

93. Defendants deny the allegations set forth in Paragraph 137 of the Complaint.

94. Defendants deny the allegations set forth in Paragraph 138 of the Complaint.

95. Defendants deny the allegations set forth in Paragraph 139 of the Complaint.

96. Defendants deny the allegations set forth in Paragraph 140 of the Complaint.

97. Defendants deny the allegations set forth in Paragraph 141 of the Complaint.

98. Defendants deny the allegations set forth in Paragraph 142 of the Complaint.

99. Defendants deny the allegations set forth in Paragraph 143 of the Complaint.

ANSWERING “FOURTH CAUSE OF ACTION”

100. Defendants respond to paragraph 144 of the Complaint by incorporating each of the foregoing responses to paragraphs 1 through 143 of the Complaint.

101. Defendants deny the allegations set forth in Paragraph 145 of the Complaint.

102. Defendants deny the allegations set forth in Paragraph 146 of the Complaint.

103. Defendants deny the allegations set forth in Paragraph 146 of the Complaint.

104. Defendants deny the allegations set forth in Paragraph 147 of the Complaint.

105. Defendants deny the allegations set forth in Paragraph 148 of the Complaint.

106. Defendants deny the allegations set forth in Paragraph 149 of the Complaint.

ANSWERING “PRAYER FOR RELIEF”

The paragraphs immediately following Paragraph 149 of the Complaint state requests for relief to which no responsive pleading is required. To the extent a responsive pleading is required, Defendants deny Plaintiffs are entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted or recovery sought can be awarded.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs seeks relief which she is not entitled to receive under applicable laws .

FOURTH AFFIRMATIVE DEFENSE

Plaintiff has been paid all amounts that are required under applicable Federal, New York State and New York City laws, and Defendants have complied with all that is required under applicable laws.

FIFTH AFFIRMATIVE DEFENSE

Defendants at all times, acted reasonably, in good faith and without any willful or intentional misconduct.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole, or in part, by the doctrines of estoppel, waiver, laches and unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because some of the activities for which they demand compensation are *de minimis* under applicable laws.

EIGHTH AFFIRMATIVE DEFENSE

There is no liability for the individual Defendant Piyush Golia.

NINTH AFFIRMATIVE DEFENSES

Plaintiff's claims are preempted by federal and/or state laws.

TENTH AFFIRMATIVE DEFENSE

Defendants believed in good faith, and had reasonable grounds to believe that Plaintiffs were properly paid per the requirements of the FLSA and NYLL.

ELEVETH AFFIRMATIVE DEFENSE

The Complaint is barred, in whole or in part, pursuant to U.S.C. §258(a) and 259(a), because Defendants have, in good faith, acted in conformity with, and in reliance upon, written administrative regulations, interpretations and opinions with regard to some or all of the acts or omission alleged in the Complaint.

WHEREFORE, Defendants demand judgment dismissing Plaintiffs' Complaint with prejudice, together with the costs and disbursements of this action and all other and further relief that this court deems just and proper.

Dated: New York, New York
July 14, 2017

Respectfully Submitted,

CATAFAGO FINI LLP

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Attorneys for Defendants